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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,379	01/25/2002	Mikio Watanabe	0879-0372P	7570
2292	7590	11/22/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			BATES, KEVIN T	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,379

Applicant(s)

WATANABE, MIKIO

Examiner

Kevin Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on October 23, 2006.

Claims 1 and 13 have been amended.

Claims 15 and 16 have been newly added.

Claims 1-16 are pending in this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 13, 15, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 13, 15, and 16, they include the limitation "in which image information limited by a destination service server." This is a very confusing statement and it is unclear what is limited, or the destination server is limited.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (6721802) in view of Ward (6784924).

Regarding claim 1, Wright teaches an image transmitting method for transmitting an image from a client computer to a service server (Column 3, lines 40 – 45), the method comprising:

enabling selection of the image to be transmitted (Column 10, lines 32 – 34);
obtaining image information limited by a destination service server (Column 4, lines 10 – 16);

determining whether the selected image has image information suitable for the limited image information;

performing image processing such that image information of the selected image is suitable for the limited image information when the image information of the selected image is unsuitable for the limited image information; and transmitting the selected image to the service server without any processing when the selected image has image information suitable for the limited image information, and

transmitting to the service server the selected image being subjected to image processing when the image information is unsuitable for the limited image information (Column 3, lines 50 – 58).

Wright does not explicitly indicate enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service including an image storage service, an image print service, and a mobile phone service; enabling selection of a menu update button, which updates

information associated with the plurality of menu buttons and a service content definition file.

Ward teaches a system of transmitting selected images from a client to an image service (Column 1, lines 55 – 62). As part of Ward's system, Ward teaches enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service (Column 3, lines 10 – 14) including an image storage service, an image print service (Column 3, lines 28 – 39), and a mobile phone service (Column 2, lines 5 – 11); enabling selection of a menu update button, which updates information associated with the plurality of menu buttons (Column 2, lines 62 – 67) and a service definition file that defines destination services (Column 1, lines 53 – 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ward's teaching as part of Wright, in order to allow the client in Wright to have easy to use means for connecting to various image services using the menu buttons found in Ward's client.

Regarding claim 7, Wright teaches that the client computer inquires image information limited by the destination service server prior to transmission of the selected image, and the client computer obtains the limited image information from the service server (Column 4, lines 4 – 16).

Regarding claim 13, Wright teaches an image transmitting system for transmitting an image from a client computer to a service server (Column 3, lines 40 – 45), the system comprising:

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the client computer comprising:

an image selecting device which enables selection of the image to be transmitted (Column 10, lines 32 – 34);

an image information obtaining device which obtains image information limited by a destination service server (Column 4, lines 10 – 16);

a determining device which determines whether image information of an image selected by the image selecting device is suitable for image information obtained by the image information obtaining device;

an image processing device which processes the selected image such that image information of the selected image is suitable for the limited image information when image information of the selected image is unsuitable for the limited image information; and

a device which transmits a selected image to the service server without any processing when image information of the selected image is suitable for the limited image information, and which transmits to the service server the selected image processed by the image processing device when the image information is unsuitable for the limited image information (Column 3, lines 50 – 58); and

the service server comprising:

an image information storing device which stores image information limited by the service server;

a device which transmits image information stored in the image information storing device to the client computer in response to request for obtaining image information from the client computer (Column 4, lines 4 – 16); and

a device which receives a selected image transmitted from the client computer and performs image service on the selected image (Column 10, lines 38 – 42).

Wright does not explicitly indicate enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service including an image storage service, an image print service, and a mobile phone service; enabling selection of a menu update button, which updates information associated with the plurality of menu buttons and a service content definition file.

Ward teaches a system of transmitting selected images from a client to an image service (Column 1, lines 55 – 62). As part of Ward's system, Ward teaches enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service (Column 3, lines 10 – 14) including an image storage service, an image print service (Column 3, lines 28 – 39), and a mobile phone service (Column 2, lines 5 – 11); enabling selection of a menu update button, which updates information associated with the plurality of menu buttons (Column 2, lines 62 – 67) and a service definition file that defines destination services (Column 1, lines 53 – 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ward's teaching as part of Wright, in order to allow the client

in Wright to have easy to use means for connecting to various image services using the menu buttons found in Ward's client.

Regarding claims 3 and 9, Wright in view of Ward teaches that the client computer starts predetermined image display programs to offer a list of images on a display (Column 10, lines 32 – 34); the image to be transmitted is selected from the list of images by using a pointing device (Wright, Column 10, lines 20 – 21); and a desired menu button is selected from the plurality of menu buttons so that access is made to a service server corresponding to the selected menu button (Column 10, lines 38 – 42; Column 11, lines 7 – 12), where the image is uploaded to the server and many services can be used with that image such as items sales and auctions based on user specifics).

Wright does not explicitly indicate enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service.

Ward teaches a system of transmitting selected images from a client to an image service (Column 1, lines 55 – 62). As part of Ward's system, Ward teaches enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service (Column 3, lines 10 – 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ward's teaching as part of Wright, in order to allow the client in Wright to have easy to use means for connecting to various image services using the menu buttons found in Ward's client.

Regarding claims 5 and 11, Wright teaches that the image information limited by the destination service server is included in menu button information corresponding to the service server (Column 4, lines 46 – 55).

Regarding claims 2, 4, 6, 8, 10, 12, and 14, Wright teaches that the image information includes at least one of an image size, a file size, compressibility, an image format, and an image aspect ratio (Column 3, lines 62 – 63).

Regarding claim 15, Wright teaches an image transmitting method for transmitting an image from a client computer to a service server (Column 3, lines 40 – 45), the method comprising:

enabling selection of the image to be transmitted (Column 10, lines 32 – 34);
obtaining image information limited by a destination service server (Column 4, lines 10 – 16);

determining whether the selected image has image information suitable for the limited image information;

performing image processing such that image information of the selected image is suitable for the limited image information when the image information of the selected image is unsuitable for the limited image information; and transmitting the selected image to the service server without any processing when the selected image has image information suitable for the limited image information, and

transmitting to the service server the selected image being subjected to image processing when the image information is unsuitable for the limited image information (Column 3, lines 50 – 58).

Wright does not explicitly indicate enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service including an image storage service, an image print service, and a mobile phone service; enabling selection of a menu update button, which updates information associated with the plurality of menu buttons and a service content definition file, wherein menu button information, which is distributed from the menu server when the menu is updated, includes image information limited by a service server corresponding to each menu button.

Ward teaches a system of transmitting selected images from a client to an image service (Column 1, lines 55 – 62). As part of Ward's system, Ward teaches enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service (Column 3, lines 10 – 14) including an image storage service, an image print service (Column 3, lines 28 – 39), and a mobile phone service (Column 2, lines 5 – 11); enabling selection of a menu update button, which updates information associated with the plurality of menu buttons (Column 2, lines 62 – 67) and a service definition file that defines destination services (Column 1, lines 53 – 55) wherein menu button information, which is distributed from the menu server when the menu is updated, a service server corresponding to each menu button (Column 1, lines 53 – 55, the configuration file details information on how to send information along each service).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ward's teaching as part of Wright, in order to allow the client

in Wright to have easy to use means for connecting to various image services using the menu buttons found in Ward's client.

Regarding claim 16, Wright teaches an image transmitting system for transmitting an image from a client computer to a service server (Column 3, lines 40 – 45), the system comprising:

the client computer comprising:

an image selecting device which enables selection of the image to be transmitted (Column 10, lines 32 – 34);

an image information obtaining device which obtains image information limited by a destination service server (Column 4, lines 10 – 16);

a determining device which determines whether image information of an image selected by the image selecting device is suitable for image information obtained by the image information obtaining device;

an image processing device which processes the selected image such that image information of the selected image is suitable for the limited image information when image information of the selected image is unsuitable for the limited image information; and

a device which transmits a selected image to the service server without any processing when image information of the selected image is suitable for the limited image information, and which transmits to the service server the selected image processed by the image processing device when the image information is unsuitable for the limited image information (Column 3, lines 50 – 58); and

the service server comprising:

an image information storing device which stores image information limited by the service server;

a device which transmits image information stored in the image information storing device to the client computer in response to request for obtaining image information from the client computer (Column 4, lines 4 – 16); and

a device which receives a selected image transmitted from the client computer and performs image service on the selected image (Column 10, lines 38 – 42).

Wright does not explicitly indicate enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service including an image storage service, an image print service, and a mobile phone service; enabling selection of a menu update button, which updates information associated with the plurality of menu buttons and a service content definition file, wherein menu button information, which is distributed from the menu server when the menu is updated, includes image information limited by a service server corresponding to each menu button.

Ward teaches a system of transmitting selected images from a client to an image service (Column 1, lines 55 – 62). As part of Ward's system, Ward teaches enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service (Column 3, lines 10 – 14) including an image storage service, an image print service (Column 3, lines 28 – 39), and a mobile phone service (Column 2, lines 5 – 11); enabling selection of a menu update button,

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which updates information associated with the plurality of menu buttons (Column 2, lines 62 – 67) and a service definition file that defines destination services (Column 1, lines 53 – 55) wherein menu button information, which is distributed from the menu server when the menu is updated, a service server corresponding to each menu button (Column 1, lines 53 – 55, the configuration file details information on how to send information along each service).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ward's teaching as part of Wright, in order to allow the client in Wright to have easy to use means for connecting to various image services using the menu buttons found in Ward's client.

Response to Arguments

Applicant's arguments filed October 26, 2006 have been fully considered but they are not persuasive.

The applicant argues that the combination of Wright and Ward does not each that each button is programmed by a configuration file that includes a destination server and what that destination service can receive in terms of image type. The examiner disagrees, Wright teaches a system of a single destination server that has limitations on images (Column 4, lines 10 – 16) that are received by the client. Ward teaches an improvement where it provides Wright with a plurality of programmed buttons (Column 2, lines 62 – 67) that are programmed by a configuration file (Column 1, lines 53 – 55) to include the destination service (Column 3, lines 10 – 14). The combination would

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equate Wright's system of image sending based on requirements and formatting, and to improve that to include the service buttons with different destination servers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KB

KB
November 16, 2006


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER